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U.S. DISTRICT COURT  
AUGUSTA DIV.

2018 MAR -5 PM 2:44

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SO/DIST. OF GA.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

MITCHELL LUDY, )  
)  
Plaintiff, )  
)  
v. )  
)  
DEANNE MORRIS, Health Service )  
Administrator, Ga. Regent Health System; )  
CHERIE PRICE, Deputy Warden; WESLEY )  
O'NEAL, Unit Manager; JESSICA BYRD, )  
Correctional Officer; CONSTANCE )  
PULLINS, Nurse; JASON HURST, Cert. )  
Officer; LARRY TIMMONS, Cert. Officer; )  
LAKEISHA SMITH, Cert. Officer; JAMIE )  
CLARK, Deputy Warden Administration; )  
ANGIE CLAXTON, Nurse; PEARLENE )  
ROGERS, Nurse; WALT BRYAN, Nurse; )  
PAMELA LINDSEY, Nurse Practitioner; and )  
ANNIE ANDREW-BODI, Physician )  
Assistant, )  
)  
Defendants. )

CV 316-065

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**ORDER**


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After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. nos. 85, 87, 89.) Nothing in Plaintiff's objections warrants deviation from the Magistrate Judge's recommendation. Accordingly, the Court **OVERRULES** Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **GRANTS** Defendants' Partial Motions to Dismiss (doc. nos. 49, 64), and **DISMISSES** Plaintiff's

claims (1) against Defendant Timmons for improperly placing him in the J-1 security unit and submitting him to extreme temperatures; (2) against Defendant Price for removing him from barbering detail; (3) against Defendants Pullins and Hall for refusing breathing treatments and falsifying vital information; (4) against all Defendants for refusing to provide him with an electrical cord for his CPAP; (5) against all Defendants for ignoring his heat intolerance medical profile and exposing him to tobacco, marijuana, and methamphetamine smoke; (6) against Defendant Byrd for turning off exhaust fans on the roof; and (7) against Defendants Hurst, Timmons, and Smith for throwing away his inhaler. As no claims remain against them, the Court further **DISMISSES** Defendants Pullins, Hurst, Timmons, Smith, Clark, Claxton, Rogers, Bryan, Lindsey, and Andrew-Bodi from this case.

The only claims left for further litigation are those against Defendants Price and Morris for discontinuance of his assisted living profile, against Defendant O'Neal for confiscating his CPAP container, and against Defendant Byrd for refusing to call Plaintiff to medical for breathing treatment. Accordingly, the Court **LIFTS** the stay of discovery and **ORDERS** Defendants Price, Morris, O'Neal, and Byrd to file an answer within fourteen days of this Order.

SO ORDERED this 5<sup>th</sup> day of March, 2018, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE